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13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 STEWART O'NAN, et al.,

18 Plaintiffs,

19 v.

20 DATABRICKS, INC., et al.,

21 Defendants.

Case No.: 3:24-cv-01451-CRB

Case No.: 3:24-cv-02653-CRB

**DEFENDANTS' RESPONSE TO
COURT ORDER DIRECTING
RESPONSE RE: CASE SCHEDULE**

Dept:

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Judge:

Hon. Charles R. Breyer

22 REBECCA MAKKAI, et al.,

23 Plaintiffs,

24 v.

25 DATABRICKS, INC., et al.,

26 Defendants.

Defendants Databricks, Inc. and Mosaic ML, LLC, formerly Mosaic ML, Inc. (together “Defendants”) submit this Response to the Court Order Directing Response re: Case Schedule (*O’Nan* Dkt. No. 51; *Makkai* Dkt. No. 50).

Defendants consent to a case schedule that permits both named Plaintiffs and Defendants to file motions for summary judgment on the fair use defense before litigating class certification. Accordingly, Defendants waive objections based on the one-way intervention rule.

Defendants submit this response without waiving any arguments challenging the validity of claims brought by any intervening plaintiff based on facts and circumstances unique to them, and to the propriety of class certification under Federal Rule of Civil Procedure 23.

Dated: July 8, 2024

FENWICK & WEST LLP

By: /s/ Jedediah Wakefield

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